

## **REMARKS**

In response to the final Office Action dated December 22, 2008, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 1, 3-18, and 20-32 are pending in this application.

### **Rejection of Claims Under § 102 (e)**

The Office rejects claims 1, 3-18, and 20-32 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 7,212,979 to Matz.

Claims 1, 3-18, and 20-32, however, are not anticipated by *Matz*. These claims recite, or incorporate, many features that are not disclosed or suggested by *Matz*. Independent claim 1, for example, recites “*receiving clickstream data at a viewer appliance*” and “*receiving an identifier of a viewer who generated the clickstream data.*” Independent claims 9, 18, 23, and 25 recite similar features.

*Matz* does not anticipate these features. *Matz* describes the transmission of viewer actions to a subscriber action database. See U.S. Patent 7,212,979 to Matz at column 6, lines 25-30. *Matz*, however, fails to teach or suggest “*receiving an identifier of a viewer who generated the clickstream data.*” The patent to Matz, then, cannot anticipate the independent claims.

Independent claims 18, 23, and 25 recite additional, distinguishing features. These independent claims, for example, recite “*receiving ... a time at which a switch received the user commands.*” Because *Matz* completely fails to teach or suggest these features, *Matz* cannot anticipate independent claims 18, 23, and 25.

Claims 1, 3-18, and 20-32, then, cannot be anticipated by *Matz*. The independent claims recite many features that are not disclosed or suggested by *Matz*. The dependent claims incorporate these same features and recite additional features. Claims 1, 3-18, and 20-32, then, cannot be anticipated, so the Office is respectfully requested to remove the § 102 (e) rejection of these claims.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

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